

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JULIE A. MOTT.

**Plaintiff,**

V.

CAROLYN W. COLVIN, Commissioner  
of Social Security.

**Defendant.**

CASE NO. C12-5380 RJB-JRC

**ORDER ON REPORT AND  
RECOMMENDATION ON  
PLAINTIFFS APPLICATION FOR  
COSTS AND ATTORNEYS FEES**

This matter comes before the Court on U.S. Magistrate Judge J. Richard Creatura's Report and Recommendation on Plaintiff's Application for Costs and Attorney's Fees (Dkt. 28), recommending that Plaintiff's Motion for Attorney's Fees, Costs, and Expenses Pursuant to 28 U.S.C. § 2412 (Dkt. 25) should be granted in part, denied in part. The Court has considered the relevant documents and the remainder of the file herein.

On March 16, 2014, Magistrate Judge Creatura issued a Report and Recommendation, recommending that Plaintiff's request for \$350 in costs and \$25.62 in expenses should be granted. Dkt. 28. Magistrate Judge Creatura found that those amounts in cost and expense were not

1 objected to by Defendant. Dkt. 28. The Report and Recommendation also recommended an  
2 award of \$3,870.72 in attorney's fees (less than the amount requested), based upon evaluation of  
3 the factors outlined in *Johnson v. Georgia Highway Exp., Inc.*, 488 F.2d 714, 717-19 (5th Cir.  
4 1974) (abrogated on other grounds) and *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th  
5 Cir. 1975). Dkt. 28.

6 The parties were given fourteen days to file objections. Dkt. 28 at 15. As of March 20,  
7 2014, neither party filed objections.

8 The Court does hereby find and **ORDER** that:

9 1. The Report and Recommendation (Dkt. 28) is **ADOPTED**.  
10 2. Plaintiff's Motion for Attorney's Fees and Expenses Pursuant to 28 U.S.C. §2412 (Dkt.  
11 25) is **GRANTED IN PART, DENIED IN PART** as follows: Plaintiff shall be  
12 granted \$350.00 in costs, \$25.62 in expenses, and \$3,870.72 in attorney's fees.

13 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
14 to any party appearing *pro se* at said party's last known address.

15 Dated this 21<sup>st</sup> day of March, 2014.

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18 ROBERT J. BRYAN  
United States District Judge  
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